

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Carriers Eligible	)	
For Support	)	WC Docket No. 09-197
	)	
Universal Service Reform – Mobility Fund	)	WT Docket No. 10-208
	)	
Mobility Fund Phase I Auction	)	AU Docket No. 12-25

**PETITION OF T-MOBILE FOR FCC DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER FOR MOBILITY FUND PHASE I  
(AUCTION 901)**

Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”),<sup>1</sup> T-Mobile USA, Inc. hereby requests FCC designation of four of its wholly-owned subsidiaries, each doing business as “T-Mobile,” as eligible telecommunications carriers (“ETCs”) in seven states, for eligibility to participate in Auction 901 for Mobility Fund Phase I support<sup>2</sup>

For the reasons set forth below, and in accordance with the requirements set forth in the Act,<sup>3</sup> the Commission’s rules,<sup>4</sup> the *Universal Service Transformation Order*,<sup>5</sup> and

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<sup>1</sup> 47 U.S.C. §214(e)(6).

<sup>2</sup> ETC designation is requested for each of the following four entities in the state or states indicated in parentheses next to the company name: **PowerTel/Memphis, Inc.** (Alabama, Tennessee), **T-Mobile Central LLC** (Alabama), **T-Mobile South LLC** (Florida, North Carolina), **T-Mobile Northeast LLC** (New Hampshire, New York and Virginia). As used herein, these companies collectively and individually are referred to as “T-Mobile.”

<sup>3</sup> 47 U.S.C. §214(e).

<sup>4</sup> 47 C.F.R. §§ 54.202, 54.1003.

<sup>5</sup> *Connect America Fund et al.*, WC Docket Nos. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (“*Universal Service Transformation Order*”), *reconsideration pending*, 77 Fed. Reg. 3635 (Jan. 25, 2012).

recent Commission Public Notices in the above-captioned dockets,<sup>6</sup> T-Mobile meets the requirements to be designated by the Commission as an ETC for the purpose of bidding in Auction 901, and T-Mobile's designation as an ETC for this purpose will serve the public interest.

## I. BACKGROUND

T-Mobile is a facilities-based wireless telecommunications service provider seeking to extend the availability of its mobile voice and data services, and extend the reach of its mobile broadband capabilities.<sup>7</sup> Being designated as an ETC will serve the public interest by allowing T-Mobile to participate in Auction 901 and, if it is successful, improve its mobile voice and broadband coverage in unserved areas using Mobility Fund Phase I support.<sup>8</sup>

The Commission has announced that Auction 901 will commence on September 27, 2012.<sup>9</sup> To be an applicant for Auction 901, and ultimately to receive Mobility Fund

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<sup>6</sup> *Eligible Telecommunications Carrier Designation for Participation in Mobility Fund Phase I*, FCC Public Notice in WC Docket No. 09-197, WT Docket No. 10-208, AU Docket No. 12-25, DA 12-271 (rel. Feb. 24, 2012) (the “ETC PN”), *as modified by Erratum*, FCC Public Notice in WC Docket No. 09-197, WT Docket No. 10-208, AU Docket No. 12-25, DA 12-271 (rel. Feb. 27, 2012); *Mobility Fund Phase I Auction Scheduled For September 27, 2012; Comment Sought On Competitive Bidding Procedures For Auction 901 and Certain Program Requirements*, FCC Public Notice in AU Docket No. 12-25, DA 12-121 (rel. Feb. 2, 2012) (the “Auction 901 PN”).

<sup>7</sup> T-Mobile has received ETC designation in nine states and Puerto Rico, and has requests pending in a number of other states. In a separate petition to the Commission, T-Mobile seeks ETC designation in order to receive low-income support in eight states that lack jurisdiction over T-Mobile. Amended Petition of T-Mobile USA, Inc. for Designation As a Low-Income Eligible Telecommunications Carrier, filed March 23, 2012.

<sup>8</sup> *See Universal Service Transformation Order* para. 322.

<sup>9</sup> *Auction 901 PN* para. 1.

Phase I support for any area, T-Mobile must be an ETC in that area.<sup>10</sup> Common carriers not subject to the jurisdiction of the state in which they intend to seek support must petition the FCC for ETC designation.<sup>11</sup> T-Mobile has identified the following seven states where it intends to bid for support through Auction 901, but which lack jurisdiction over T-Mobile under applicable state law: Alabama, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia. This petition therefore seeks designation for the T-Mobile operating subsidiary in each of those seven states.

The Commission encourages parties not already designated as ETCs to initiate the process as soon as possible, to increase the likelihood that ETC designation will be obtained prior to the deadline for auction applications.<sup>12</sup> Accordingly, T-Mobile submits this petition for Commission designation and respectfully requests that it be promptly approved. T-Mobile understands that the ETC designations requested herein may be conditioned on winning the right to receive support through Auction 901.<sup>13</sup>

## II. SATISFACTION OF THE REQUIREMENTS OF SECTION 54.202(a) OF THE COMMISSION'S RULES

T-Mobile hereby certifies that it will comply with the service requirements applicable to the support that it receives.<sup>14</sup> T-Mobile will use Mobility Fund Phase I support to make improvements to its network wherever necessary, throughout its service

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<sup>10</sup> 47 C.F.R. §54.1003(a) (applicant must be an ETC to receive Mobility Fund Phase I support); *ETC PN* para. 1 (any non-Tribal entity wishing to participate in Auction 901 must, prior to filing auction application, be designated as an ETC in any area for which it seeks support); *Universal Service Transformation Order* para. 439 (ETC designation required prior to deadline for submitting short-form auction applications).

<sup>11</sup> 47 U.S.C. §214(e)(2); *ETC PN* para. 1.

<sup>12</sup> *ETC PN* para. 2.

<sup>13</sup> 47 C.F.R. §54.1003(a).

<sup>14</sup> 47 C.F.R. §54.202(a)(1)(i).

area, to achieve the performance requirements established by the Commission.<sup>15</sup> T-Mobile will develop a specific Service Improvement Plan (“SIP”) for those improvements upon finalization by the Commission of the list of census blocks eligible for Mobility Fund Phase I support. T-Mobile will submit its SIP to the FCC as required under the Commission’s rules,<sup>16</sup> as well as annual reports thereafter on the progress of T-Mobile’s deployment in supported areas.<sup>17</sup>

T-Mobile has the ability to remain functional in emergency situations, including an amount of back-up power to ensure functionality without any external power source for a reasonable period of time, the ability to reroute traffic around damaged facilities, and the ability to manage traffic spikes resulting from emergency situations.<sup>18</sup> In particular, the following capabilities enable T-Mobile to remain functional in emergency situations:

- Fixed and portable back-up power generators at various network locations throughout T-Mobile’s network that can be deployed in emergency situations;
- Battery back-up systems installed at the majority of sites not equipped with fixed generators, to maintain service in the event of a widespread power outage;

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<sup>15</sup> 47 C.F.R. §54.202(a)(1)(ii).

<sup>16</sup> All ETCs must file a new five-year SIP “in a manner consistent with 54.202(a)(1)(ii)” by April 1, 2013, detailing how they will comply with the broadband deployment obligations established by the Commission. *Universal Service Transformation Order* para. 587.

<sup>17</sup> See 47 C.F.R. 54.313(a)(1) (annual progress reports must be filed beginning April 1, 2014). At this time, T-Mobile is not aware that any census block on which it may submit a bid in Auction 901 is located in whole or in part on Tribal lands; upon the Bureau’s release of the final list of eligible census blocks, T-Mobile will determine whether it intends to bid on any census block covering Tribal lands in any part and, if so, submit a copy of its petition to affected tribal government and tribal regulatory authority. See 47 C.F.C. §54,202(c).

<sup>18</sup> 47 C.F.R. §54.202(a)(2).

- Cells-on-wheels (“COWs”), redundant facilities, and capability for dynamic rerouting of traffic over alternate facilities, which can be employed as needed to enable T-Mobile to reroute traffic around damaged or out-of-service facilities;
- A network control center that monitors network traffic and anticipates traffic spikes, and can (i) deploy network facilities to accommodate capacity needs; (ii) change call routing translations; and (iii) deploy COWs to temporarily meet traffic needs until longer-term solutions, such as additional capacity and antenna towers, can be deployed.<sup>19</sup>

T-Mobile hereby certifies that it will satisfy applicable consumer protection and service quality standards.<sup>20</sup> T-Mobile has been a signatory to the CTIA – The Wireless Association’s Consumer Code for Wireless Service (“Consumer Code”) since 2003. T-Mobile certifies that it complies and will continue to comply with the Consumer Code as an ETC.<sup>21</sup>

III. SATISFACTION OF THE REQUIREMENTS OF SECTION 54.1003 OF THE  
COMMISSION’S RULES AND SECTION 214 OF THE COMMUNICATIONS ACT

T-Mobile hereby certifies that it is a telecommunications carrier, as required by the Act.<sup>22</sup> T-Mobile hereby certifies that it is financially and technically qualified to provide, and intends to offer, all of the services designated by the Commission for support through Mobility Fund Phase I, including voice telephony services meeting the Commission’s requirements. T-Mobile will provide:

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<sup>19</sup> T-Mobile also maintains an extensive Business Continuity Program that involves a number of professionals responsible for documenting and developing enterprise standards, processes, and policies for all business continuity planning, and defines enterprise tools and methodologies, to help ensure business continuity in a variety of emergency situations.

<sup>20</sup> 47 C.F.R. §54.202(a)(3).

<sup>21</sup> T-Mobile’s commitment satisfies the requirement of Section 54.202(a)(3) of the Commission’s rules. *Id.* See Letter from Steve Largent, CTIA, to Kelsey Joyce, T-Mobile USA, Inc., dated Oct. 7, 2011 (confirming that T-Mobile completed the CTIA Consumer Code certification process for 2011) (available upon request).

<sup>22</sup> 47 U.S.C. §214(e)(1).

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- Voice-grade access to the public switched telephone network, through T-Mobile's interconnected mobile voice telecommunications service;
- Minutes of free local usage for end-users in each universal service rate plan;
- Access to emergency services, including access to 911 and E911 services to the extent that the local government has implemented such services; and
- Toll limitation at no charge for qualifying low-income customers.<sup>23</sup>

In addition, T-Mobile certifies that it is financially and technically qualified to provide, and intends to offer, broadband services meeting the Commission's requirements, either 3G service in the supported areas within two years or 4G service within three years of the date it is authorized to receive support.<sup>24</sup> T-Mobile is a facilities-based provider of wireless voice, messaging, and data services capable of reaching over 293 million Americans nationwide, and currently provides mobile wireless services to over 33 million customers. T-Mobile has deployed an advanced telecommunications network that, with the additional Mobility Fund support, will be capable of delivering the supported services throughout the service areas for which support is won.

T-Mobile intends to offer the designated supported services throughout its service areas using its own facilities in accordance with the Communications Act.<sup>25</sup> As noted above, T-Mobile is a facilities-based mobile wireless telecommunications carrier, and has its own extensive network of cell sites, switches, and associated telecommunications facilities in each of the seven states in which ETC designation is sought. T-Mobile

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<sup>23</sup> 47 C.F.R. §§54.101.

<sup>24</sup> 47 C.F.R. §§54.101, 54.1003(c), 54.1006. *See generally* 47 U.S.C. §254(c).

<sup>25</sup> 47 U.S.C. §214(e)(1)(A).

certifies that it has access to spectrum in the areas in which it intends to seek support, and for which ETC designation is sought, and that it will retain such access for at least five years after the date on which it is authorized to receive Mobility Fund Phase I support.<sup>26</sup>

T-Mobile has this access through spectrum in the AWS band licensed to T-Mobile Licensee LLC, another wholly-owned subsidiary of T-Mobile USA, Inc.

T-Mobile will advertise the availability of, and charges for, the supported services using media of general distribution.<sup>27</sup> T-Mobile currently offers and advertises its wireless telecommunications services, including all of the supported services, using radio, television, billboards, print advertisements, Internet, and targeted mailings, among other media. In addition, T-Mobile maintains various retail stores and authorized dealer locations throughout its proposed ETC service areas. T-Mobile certifies that it will continue to use the appropriate media outlets to advertise the supported services, and the charges associated with them, in a manner consistent with applicable requirements.

#### IV. SATISFACTION OF OTHER ETC REQUIREMENTS

FCC designation for Mobility Fund Phase I support is requested for each of the following four entities for the states next to their names:<sup>28</sup>

PowerTel/Memphis, Inc.	Alabama Tennessee
T-Mobile Central LLC	Alabama
T-Mobile South LLC	Florida North Carolina

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<sup>26</sup> 47 C.F.R. §54.1003(b).

<sup>27</sup> 47 U.S.C. §214(e)(1)(B).

<sup>28</sup> ETC PN para. 5.

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T-Mobile Northeast LLC

New Hampshire  
New York  
Virginia

While T-Mobile has not yet completed its analysis of the census blocks on which it would bid in Auction 901, as it awaits the Bureaus' release of the final list of eligible census blocks, T-Mobile intends to provide services meeting the requirements for Mobility Fund Phase I support in each of the census blocks for which it submits a bid, in each state listed above.

In accordance with the *ETC PN*, T-Mobile hereby certifies that it is not subject to the jurisdiction of a state commission in any of the seven states for which it seeks FCC designation in this petition.<sup>29</sup> The following evidence demonstrates that each of the seven states listed above lacks jurisdiction to confer ETC designation on T-Mobile as a CMRS carrier:

- Alabama – In a 2002 order, the Alabama Public Service Commission affirms that it has no jurisdiction over wireless service providers under state law, and states that “wireless providers seeking ETC status should pursue their ETC designation with the FCC.”<sup>30</sup>
- Florida – In 2011, Florida state law was amended to exempt wireless telecommunications, including CMRS providers, from the jurisdiction of the Public Service Commission.<sup>31</sup>
- New Hampshire – In 2003 the Public Utilities Commission acknowledged that it lacks authority under state law to consider a request for ETC designation.<sup>32</sup>
- New York – Section 5 of the New York State Public Service Law suspends application of the Public Service Law to cellular telephone

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<sup>29</sup> *ETC PN* para. 5.

<sup>30</sup> Order, Docket U-4400, Ala. PSC (Mar. 12, 2002).

<sup>31</sup> 364.011 Fla. Stat., *as amended* by the Regulatory Reform Act, Ch. 2011-36, §3 (enacted May 5, 2011).

<sup>32</sup> Order No. 24, 245, 88 NH PUC 611 (2003).



services and other two-way mobile radio telephone services until such time as the Public Service Commission makes a determination that regulation should be reinstituted.<sup>33</sup>

- North Carolina – A 2003 order of the Utilities Commission affirmed that the state lacks jurisdiction to designate CMRS carriers as ETCs.<sup>34</sup>
- Tennessee – In 2003, the Tennessee Regulatory Authority ruled that it lacks jurisdiction over CMRS providers for purposes of ETC designation.<sup>35</sup>
- Virginia – Since 2002, at the latest, the State Corporation Commission has declined to assert jurisdiction over CMRS carriers; accordingly, the FCC granted the first of several ETC designations for Virginia-based wireless carriers in 2004.<sup>36</sup>

Finally, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, as implemented by Section 1.2002 of the Commission's rules, T-Mobile hereby certifies that neither it nor any party to this petition is subject to a denial of federal benefits, including FCC benefits.<sup>37</sup>

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<sup>33</sup> N.Y. Pub. Svc. L. §5(6).

<sup>34</sup> Order Granting Petition, Docket No. P-100, SUB 133c, N.C. Util. Com'n (Aug. 28, 2003).

<sup>35</sup> Order, Docket 02-01245, Tenn. Reg'y Auth. (April 11, 2003).

<sup>36</sup> *Virginia Cellular LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, Order, CC Docket No. 96-45, 19 FCC Rcd 1563 (2004).

<sup>37</sup> 47 C.F.R. §1.2002.

V. CONCLUSION

For the reasons stated herein, and based on the certifications made and qualifications demonstrated in this petition, T-Mobile satisfies the requirements of the Communications Act and the Commission's rules, orders, and policies for ETC designation, and the requested ETC designations are in the public interest. Accordingly, T-Mobile respectfully request that the Commission expeditiously grant this petition for ETC designations in Alabama, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia.

Respectfully submitted,

T-MOBILE USA, INC.

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